

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**E.J.T.**, a minor, by and through his  
Conservator, InTRUSTment Northwest, Inc.,

No. 3:20-cv-01990-JR

Plaintiff,

v.

OPINION AND ORDER

**JEFFERSON COUNTY**, a public body;  
**TYLER W. ANDERSON**, in his individual  
capacity; and **ARJANG ARYANFARD**, in  
his individual capacity,

Defendants.

**MOSMAN, J.,**

On June 15, 2021, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (F. & R.) [ECF 30]. Judge Russo recommends that I deny Defendants' Motion to Dismiss [ECF 8], grant Plaintiff's Motion to Certify Questions [ECF 23], and stay this action pending the Oregon Supreme Court's answers. Both sides objected to portions of the F. & R. *See* Pl.'s Objs. [ECF 40]; Defs.' Objs. [ECF 42]. Upon review, I agree with Judge Russo and ADOPT her F. & R. as my own opinion.

**STANDARD OF REVIEW**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge

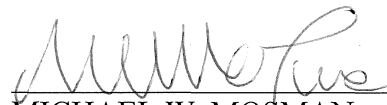
but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

### CONCLUSION

I have reviewed the F. & R. and the parties' objections in accordance with the above-stated standard of review. I ADOPT Judge Russo's F. & R. [ECF 30] as my own opinion. Defendants' Motion to Dismiss [ECF 8] is DENIED. Plaintiff's Motion to Certify Questions [ECF 23] is GRANTED. This action is STAYED pending the Oregon Supreme Court's answers.

IT IS SO ORDERED.

DATED this 16<sup>th</sup> day of July, 2021.

  
MICHAEL W. MOSMAN  
United States District Judge